

TOWN OF SOUTHAMPTON

DEPARTMENT OF LAND MANAGEMENT

BUILDING AND ZONING DIVISION

116 HAMPTON ROAD

SOUTHAMPTON, NY 11968

PHONE: (631) 287-5700

FAX: (631) 287-5754

www.southamptontownny.gov



KYLE P. COLLINS, AICP
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

MICHAEL BENINCASA
CHIEF BUILDING INSPECTOR

ANNA THRONE-HOLST
TOWN SUPERVISOR

Approved by: _____

Date: _____

ACCESSORY APARTMENT APPLICATION
as per
SECTION 330-11.1 AND 11.2 OF THE TOWN CODE

Receipt Number _____ Permit Number _____

SCTM# 473689-_____._____._____._____ ف BEDROOMS IN BASEMENT

Owner Occupants of Dwelling

Full Name _____ Phone Number _____

Address _____

Town _____ Zip Code _____

The following documents must be provided with this application, in addition to completely filling out this application.

- 1) Declaration of Covenants.
- 2) Deed or other title information to show ownership.
- 3) Certificate of Occupancy for property.
- 4) Up to date survey showing **ALL** buildings and structures that currently exist on the property, and location of parking.
- 5) Proof of owner occupancy is required. The attached affidavit of residency and at least two (2) forms of proof of domicile or principal place of abode must be submitted. Such proof may include such things as a drivers license; voters registration certificate; utility bills addressed to the owner at the property in question; or any other proof accepted by the Building Division.
- 6) Filing Fee of \$100.00
- 7) Floor plans of principle dwelling and accessory apartment drawn to ¼ inch scale.
- 8) Copy of Board of Health approval for sanitary septic system is required:
 - a) the sq. ft. of the principle dwelling is increased for the accessory apartment
 - b) if a new accessory structure is built to house the accessory apartment

In accessory structures where prior approval has been obtained prior to 1972, a licensed engineer must certify that the septic systems is capable of handling the sanitary waste flow.
- 9) Tenant qualification form.

APPLICATION IS HEREBY MADE to the Building Department as per Chapter 330-11.1 and 11.2 of the Code of the Town of Southampton for an accessory apartment.

STATE OF NEW YORK,
COUNTY OF SUFFOLK

_____ being duly sworn and deposes and says that he/she is the
(Name of Owner Occupant of Dwelling) applicant above named.

He/She is the owner and occupant of the above mentioned property and that all statements contained in this application are true to the best of his/her knowledge and belief; and that he/she has read and fully familiarized himself/herself with Chapter 330-11.1 and 11.2 of the Code of the Town of Southampton and will comply with all requirements contained therein.

REQUEST OF FEE WAIVER (The hundred dollar (\$100) application fee shall be waived for renewals if the Accessory Apartment is owner-occupied)

☐ Fee waiver not applicable

I, _____ certify that I am owner of property and will be occupying Accessory Apartment.

Original Signature of Owner Occupant

_____ day of _____, 20____

Original Notary Signature and Original Notary Stamp

Notary Public _____ County

BUILDING DIVISION
TOWN OF SOUTHAMPTON

AFFIDAVIT OF RESIDENCY

In the matter of the Application of

for a Permit for an Accessory Apartment
pursuant to Article II-A of Chapter 330
(Zoning) of the Town Code.

STATE OF NEW YORK)
COUNTY OF SUFFOLK) SS:

I, _____, being duly sworn, deposes and says:

1. I am the owner of the premises located at _____
more particularly shown as Suffolk County Tax Map Number:

473689-_____._____-_____-_____._____

2. I am familiar with the buildings and structures located on the subject premises as shown on the survey of _____, dated _____ (copy attached hereto), and acknowledge the use of the premises is for a single family dwelling only, and that a valid Certificate of Occupancy of Certificate of Compliance exists for said structures (copy attached hereto).

3. I presently reside in the subject single family dwelling and this dwelling is my domicile or principal place of abode. In support of this statement, I have attached the following items as a form of proof:

4. Upon receipt of a permit to add the accessory apartment to the subject single family dwelling, I will reside in the subject single family dwelling or in the accessory apartment, and the single family dwelling or accessory apartment will be my domicile or principal place of abode.

5. I make this affidavit knowing full well that the Town of Southampton Building and Zoning Division will rely upon the facts as stated herein to issue a permit for an Accessory Apartment pursuant to Article II-A of Chapter 330 (Zoning) of the Code of the Town of Southampton, as same was adopted by Local Law Number 34 of 1992 and as amended by Local Law Number 7 of 2002.

Dated:

Sworn to before me this _____

Day of _____, 20____.

Original Notary Signature and Original Notary Stamp

Original Owner Signature

PLEASE READ CAREFULLY

The Building Division has required that the following document must be filed in connection with your permit request. This covenant, when properly filled out and signed, becomes a legal document which must be filed with the Suffolk County Clerk's office. When filing the covenant you must bring a copy of your deed to the Suffolk County Clerk's office.

Should you have any questions concerning the preparation of this document, we suggest you consult with your attorney. Proper signatures and notarization of the document are a must. If necessary, contact the Building Division office at (631) 287-5700.

In the blank following the date set forth all owners of the property and residence address, or if a corporation, principal place of business address. (Example: Individual - John Jones, residing at 17 Hydro Street, Watertown, New York: Corporation - Acme Lane Ventures, Inc., with offices at 3 Conglomerate Way, Smith, New York).

The signed covenant must be recorded with the county after your application is approved and a copy of the signed recorded document must be returned to the Building Division before a Permit may be issued.

ACCESSORY APARTMENT

DECLARATION OF COVENANTS

THIS DECLARATION, made the day of , 2____ , by
residing at hereinafter referred to as the Declarant.

WHEREAS, the Declarant is the owner of certain real property situate at
Town of Southampton, Suffolk County, New York, shown as Suffolk County Tax Map
Number: 473689-____-____-____-____ , more particularly bounded and
described as set forth in Schedule "A" annexed hereto, and

WHEREAS, the Declarant has made application to the Building Department of the
Town of Southampton for a building permit for the addition of an accessory apartment
pursuant to Article II-A, Section 330-11.1 of the Zoning Law of the Town of
Southampton, and

WHEREAS, for an in consideration of the granting of said permit, the Building Division of the Town of Southampton has deemed it to be for the best interest of the Town of Southampton and the owner(s) and prospective owner(s) of said parcel, and as a condition of said permit said Building Department has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, the Declarant has considered the foregoing and determined that the same will be for the best interests of the Declarant and subsequent owners of said parcel,

NOW, THEREFORE, THIS DECLARATION WITNESSETH:

That the Declarant, for the purposes of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. The Declarant, his heirs, successors, and assigns agree to abide by and comply with all of the special standards as set forth in §330-11.2 of the Zoning Law as same may be amended from time to time;
2. The principal dwelling or the apartment shall be the domicile of the owner-occupant;
3. The principal dwelling or the apartment not occupied by the owner shall be the domicile of the tenant;

4. The apartment or any proprietary or other interest therein will not be sold to the tenant or any other party, except as part of a sale of the entire residence in which the apartment is located;
5. All leases of the rental apartment shall be in writing and made available to the Town Building Division upon request, and shall be for a minimum of a one year term;
6. The apartment shall be properly constructed, maintained and used in accordance with the provisions of the Building and Zoning Laws of the Town of Southampton, and any unapproved use shall be excluded therefrom;
7. That the within Declaration may not be annulled, waived, changed or modified, unless and until approved by resolution of a majority plus one vote of the Town Board of the Town of Southampton.

IN WITNESS WHEREOF, the Declarant above named has executed the foregoing Declaration the day and year first above written.

State of New York)
 Ss:

Declarant

County of)

On the _____ day of _____ in the year _____, before me, the undersigned personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Sworn to before me this

_____ day of _____ 20__

Original Notary Signature and Original Notary Stamp

Original Owner Signature

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TENANT QUALIFICATION FORM

- ☐ the tenant is the owner or relative of the owner.
- ☐ the tenant is an active member of a volunteer fire department, ambulance corps or the tenant demonstrates a commitment of time on a regular basis to a charitable or not for profit corporation such as a hospital, hospice or school within the Town of Southampton.
- ☐ the tenant is employed by the Town of Southampton
- ☐ the tenant is employed within the Town of Southampton
- ☐ the owner decides to voluntarily reserve the apartment for low- or moderate income housing and this apartment is restricted pursuant to a grant or subsidy from the federal government, State of New York or other municipal agency to provide low- or moderate- income housing consistent with the intent of this chapter, the Building Inspector may accept such restrictions in lieu of the restrictions set forth in this chapter.

Dated:

Sworn to before me this _____ Day of
_____, 20____.

Original Notary Signature and Original Notary Stamp

Original Owner Signature

Habitable space in finished Basement under the ~~new~~ Residential Code

You can have habitable space in a basement under the new Residential Code, however:

- ☐ All windows must comply with the wind borne debris provisions of R301.2.1.2
Provide a window schedule showing make and model number of windows that
Comply or provide plans for structural shutters.
- ☐ Show that all spaces comply with 8% light and 4% ventilation per R303.
- ☐ Show ceiling height complies with R305 (7ft min, and 6'-8" to ducts & beams).
- ☐ Show windows comply with the Emergency Escape and Rescue Openings per R310.
Include window well designs if applicable.
- ☐ If not already installed, Smoke Alarms are required throughout the house (and new
bedrooms) per R317.
- ☐ Show compliance with the new Energy Conservation Construction Code. Submit
appropriate worksheet and certification.
- ☐ Confined space furnace rooms must be ventilated per Chapter 17.

Other provisions of the new Residential Code shall apply which might be unique to the particular project.

ARTICLE IIA, Accessory Apartments [Added 7-28-1992 by L.L. No. 34-1992EN; amended 12-27-1994 by L.L. No. 62-1994]

§ 330-11.1. Building permit; filing fees; approval. [Amended 4-23-2002 by L.L. No. 7-2002]

A. In order to construct an accessory apartment, the applicant shall apply for and receive a building permit from the Town Building Department in the manner of all other applications for building permits.

B. There shall be a minimum filing fee of \$100 for each application for an accessory apartment. Where the application entails structural alteration of the dwelling, the applicant shall also pay all other applicable fees as provided under § 123-12 of the Town Code.

C. In addition to any other standards, codes, rules or regulations which may be applicable to the construction of an accessory apartment, including the New York State Uniform Fire Prevention and Building Code, the Building Inspector shall certify that the special standards of this article have been complied with.

D. No building permit for the addition of an accessory apartment which requires structural alterations to the exterior of an existing dwelling shall be issued by the Building Inspector until said application has been approved by the full Board of Architectural Review.

E. A permit for an accessory apartment shall be valid for a period of three years and shall expire three years from the date of issuance. Accessory apartments may be renewed upon filing of an application and a fee of \$100 each time renewed. The one-hundred-dollar application fee shall be waived if the accessory apartment is owner-occupied. The Building Inspector shall conduct inspections of the accessory apartment prior to renewing the permit to ensure compliance with state and local codes. At the time the apartment is initially rented to a new tenant or at the time of renewal of the permit and there is a tenant renting the apartment, the owner shall provide documentation to the Building Inspector that demonstrates that the tenant shall meet one or more of the following criteria:

- (1) The tenant is the owner or relative of the owner;
- (2) The tenant is an active member of a volunteer fire department, ambulance corps or the tenant demonstrates a commitment of time on a regular basis to a charitable or not-for-profit corporation such as a hospital, hospice or school within the Town of Southampton;
- (3) The tenant is employed by the Town of Southampton;
- (4) The tenant is employed within the Town of Southampton;
- (5) The owner decides to voluntarily reserve the apartment for low- or moderate-income housing and this apartment is restricted pursuant to a grant or subsidy from the federal government, State of New York or other municipal agency to provide low- or moderate-income housing consistent with the intent of this chapter, the Building Inspector may accept such restrictions in lieu of the restrictions set forth in this chapter.

§ 330-11.2. Special standards. [Amended 8-22-2000 by L.L. No. 12-2000; 4-23-2002 by L.L. No. 7-2002; 12-23-2003 by L.L. No. 78-2003; 12-13-2005 by L.L. No. 68-2005]

A. Owner occupancy required. The owner or owners of the lot upon which the accessory apartment is located shall reside within the principal dwelling or the accessory apartment, and said dwelling or apartment shall be considered the owners' domicile or principal place of abode. No other owner or owners shall own a larger percentage, collectively or individually, than the owner-occupant.

B. An accessory apartment shall be permitted in a structure that has been issued a certificate of occupancy or a certificate of compliance, or be entitled to the issuance of a certificate of occupancy by virtue of a preexisting status, or is new construction that complies with Chapter 123, Building Construction; Section 164, Fire Prevention; and § 330-5, Definitions: "dwelling, two-family detached" and "accessory apartment." Notwithstanding the above, no permit shall be processed until the lot has a certificate of occupancy for an existing single-family dwelling.

C. The lot to which the accessory apartment is to be added shall have only one dwelling unit in existence on the lot at the time of application for an accessory apartment.

D. No more than one accessory apartment shall be permitted on the lot.

E. No nonconformities or violations of the Town Code shall exist at the time of application for an accessory apartment, except as provided in Subsection F below. The Building Inspector shall inspect the premises upon receipt of a completed application, and the application shall not be processed until all outstanding violations are corrected.

F. The lot containing the dwelling to which the accessory apartment is to be added shall comply with the district area and dimensional regulations, but in no case less than 30,000 square feet. A nonconforming lot may be eligible for an accessory apartment, provided that the lot area is not less than 80% of the required lot area for the applicable zone district, but in no case less than 30,000 square feet. All other dimensional nonconformities shall not be less than 70% of the required setback or lot width. A lot with a nonconformity of a greater degree shall not be eligible for an accessory apartment under this article. Any such request shall be prohibited and can only be treated as an area variance by the Board of Zoning Appeals.

G. Minimum and maximum sizes shall be as follows:

(1) The accessory apartment shall be a minimum of 400 square feet, and it shall not exceed 35% of the total floor area of the principal dwelling to a maximum of 1,000 square feet on the lot to which the accessory apartment is to be added.

(2) Efficiency unit. Notwithstanding the aforementioned Subsection G(1), an efficiency unit occupied by not more than two persons may have a clear floor area of not less than 220 square feet exclusive of kitchen and bathroom areas.

(3) If an accessory apartment is to be constructed in an accessory structure, all habitable living space in that structure will count toward the maximum square footage of the accessory apartment.

H. The accessory apartment shall contain no more than two conventional bedrooms.

I. The bedrooms and bathroom shall not provide the sole access to any other rooms or the sole access to the out-of-doors.

J. At least one additional off-street parking space shall be provided for an accessory apartment which is a studio or one-bedroom, and two off-street parking spaces for accessory apartments having two bedrooms, on the lot for the accessory apartment, and such space(s) shall not be located in the required minimum front yard and shall be adequately screened with landscape plantings, which shall include evergreen shrubs, not less than three feet in height at the time of installation.

(1) Only one access driveway shall be permitted on the lot having an accessory apartment.

K. An accessory apartment shall not be permitted on a lot on which exists a bed-and-breakfast, rooming or boarding house, home occupation, home professional office, preexisting accessory apartment, or multiple-family dwelling.

L. If a second or new entrance to the accessory apartment is constructed, ground-floor outside entrances to the accessory apartment shall be from the side or rear yard. Second-floor outside entrances shall be from the rear yard.

M. A dwelling to which the accessory apartment is to be added pursuant to this article shall not be eligible for a seasonal rental permit under Article XIV of this chapter.

N. For existing single-family dwellings, only the owner-occupant of the residence may apply for this building permit and shall execute such agreements, contracts, easements, covenants, deed restrictions or other legal instruments running in favor of the Town as, upon recommendation of the Town Attorney, will ensure that:

(1) The principal dwelling or the apartment is the domicile of the owner-occupants.

(2) The principal dwelling or the apartment is the domicile of all tenants therein.

(3) The apartment or any proprietary or other interest therein will not be sold to the tenant or any other party, except as part of a sale of the entire residence in which the apartment is located.

(4) All leases of the rental apartment shall be in writing and made available to the Town Building Department upon request and shall be for a minimum of a one-year term. Where the tenant is a relative, a notarized affidavit of proof must be submitted in lieu of a lease for approval by the Chief Building Inspector, prior to the issuance of an accessory apartment permit.

(5) The apartment is properly constructed, maintained and used, and both the apartment and the lot upon which it is constructed are free from any unapproved uses as set forth herein.

(6) Any other conditions deemed reasonable and necessary by the Town to ensure the immediate and long-term success of the apartment in helping to meet identified housing needs in the community are met.

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IMPORTANT MESSAGE REGARDING HOUSE NUMBERS

As of March 31, 1994, Chapter 286 of the Southampton Town Code will require that all Town residents display house numbers so that they are clearly visible from the street. The law requires that you use only the number assigned by the Town. **NO OTHER NUMBER SHOULD BE DISPLAYED AND NO INSPECTIONS WILL BE DONE BY THE BUILDING DEPARTMENT AT PROPERTIES WITHOUT A HOUSE NUMBER.** If you have a different number for postal delivery, please file a change of address with your post office immediately. If your tax bill does not list a street number, or if you have a question regarding the law or the number assigned to you, please telephone Pat Raymond of the Assessors Office at 283-6000 extension 274.

The following is a description of the manner of display and the style and size of the required house numbers:

A. Manner of Display.

1. During construction period. The owner of a land parcel for which a building permit has been issued shall have the street address number displayed on a sign or a post located at the front of the property. In the case of a flag lot, at the street entrance of flag.
2. Existing and newly completed buildings. The owner of an existing building or newly completed building shall have the street address number displayed by permanently affixing or painting numerals, letters or script, stating the number, to the front of the building. Where the building is not close enough to the street, or is not readily visible from the street, the street address number shall be permanently affixed to a sign, post or mailbox located at the front of the parcel or lot where the building is situate.

B. Style and Size of Numbers.

1. The numerals, letters or script used to display the street address number of the building shall be painted on a plaque or the front of the building, or made of metal or other durable material. The numerals, letters or script shall be at least three (3) inches in height. All street address numbers shall be displayed as to be easily seen from the street by both pedestrians and drivers of vehicles.

The proper posting of your house number will assist the Building Department during the inspection process and ensure prompt and timely inspections.